

REMARKS / ARGUMENTS

Claims 1, 3-12, 25 and 28 were rejected under 35 USC 103(a) over O'Reilly et al in view of Williams et al. Applicants request reconsideration and withdrawal of this rejection for the reasons that follow.

The Examiner relies on O' Reilly et al as disclosing daily intravenous administration of epothilone B during 2-180 minutes, 2-120 minutes, 5-30 minutes and 10-30 minutes. The longest administration period cited in the Office action of 10/3/07 is the 180 minute period. In contrast, the present claims require the epothilone B to be administered over a longer period of from 6 to 24 hours.

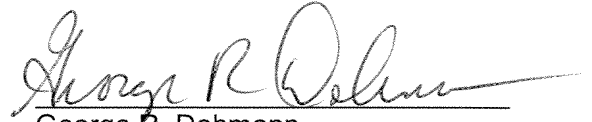
The Examiner relies on Williams et al because it; "provides an efficacious treatment of a 24 hour infusion as compared to shorter times with a drug in the same class." However, in the Author's Conclusions section, and throughout the paper, Williams et al clearly teaches that shortening the infusion time of paclitaxel from 24 hours to 3 hours caused significantly less side effects without an obvious loss of efficacy, but that further study would be required to establish whether there is a significant difference in efficacy according to the duration of infusion of paclitaxel. Such a conclusion would motivate the skilled artisan to decrease the administration period of paclitaxel to reduce side effects, assuming that the further studies confirm that there is no loss of effectiveness. Thus, Williams et al teaches the opposite of what it is relied on as teaching in the rejection.

In view of the discussion above, Applicants assert that the combination of references would not lead the skilled artisan to increase the administration period for epothilone B from the 3 hours suggested by O'Reilly et al to the 6 to 24 hours required according to the present claims. Indeed, if one of skill considered Williams et al relevant to the administration of epothilone B, it would be considered to teach away from increasing the administration period. Therefore, the combined disclosure of the references does not suggest the presently claimed invention.

Applicants request reconsideration and withdrawal of the rejection under 35 USC 103(a) for the reasons discussed above.

Entry of this response and reconsideration and allowance of the claims are respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "George R. Dohmann", written over a horizontal line.

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